

bridge adjacent to the bascule highway bridge over the entrance to San Leandro Bay between Bay Farm Island and Alameda, California. The new bridge is adjacent to the highway bridge, provides the same clearances, and is operated by the bridgetender at the highway bridge on the same schedule as the highway bridge. This amendment updates the existing regulation to include reference to the new bicycle bridge.

EFFECTIVE DATE: April 19, 1996.

FOR FURTHER INFORMATION CONTACT:

Jerry P. Olmes, Bridge Section, Eleventh Coast Guard District, at (510) 437-3514.

SUPPLEMENTARY INFORMATION: Under the authority of 5 U.S.C. 553(b)(3)(B), the Coast Guard has for good cause determined that it is unnecessary to publish a notice of proposed rulemaking for this revision. There is no substantive change to the existing rule. The new bridge will be operated by the drawtender at the Bay Farm Island highway bridge, and will have the same hours of operation. There is no change to the navigational clearances. When the Coast Guard advertised the proposed issuance of a permit for the bridge, they described the intended method of operation, and received no comment about the method of operation.

Since there is no substantive change, there is no reason to delay the effective date beyond the date of publication in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Jerry P. Olmes, Project Manager, and Lieutenant Anita Abbott, Project Attorney.

Background and Purpose

The City of Alameda has built a bascule bicycle bridge adjacent to the California Department of Transportation bascule highway bridge between Bay Farm Island and Alameda, California. Construction is nearing completion. The bicycle bridge provides the same clearances as the highway bridge, and will be operated by the bridgetender at the highway bridge on the same schedule as the highway bridge. The amendment makes editorial changes to the regulation to reflect construction of the new bicycle bridge.

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of costs under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.193 is revised to read as follows:

§ 117.193 San Leandro Bay.

The draws of the California Department of Transportation highway bridge, mile 0.0 (kilometer 0.0) and the City of Alameda bicycle bridge, mile 0.1 (kilometer 0.2) between Alameda and Bay Farm Island, shall open on signal; except that, from 5 a.m. to 8 a.m. and 5 p.m. to 9 p.m., the draws shall open on signal if at least 12 hours notice is given. Notice shall be given to the drawtender of the Bay Farm Island bridges from 8 a.m. to 5 p.m. and to the drawtender of the Park Street bridge at Alameda at all other times. The draws need not be opened for the passage of vessels from 9 p.m. to 5 a.m.

Dated: April 2, 1996.

R. A. Appelaum,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

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33 CFR Part 165

[CGD 05-96-008]

RIN 2115-AA97

Safety Zones: Elizabeth River and York River, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones on the Elizabeth and York Rivers during the dismantling and replacement of the Coleman Bridge. The safety zones will include moving zones around the tugs and tows carrying the bridge spans as they transit the thirty miles between Norfolk International Terminals (NIT) and the Coleman Bridge, a stationary zone in the Elizabeth River at NIT, and a stationary zone in the York River at the Coleman Bridge. The safety zones are needed to ensure the safety of mariners operating in the vicinity and to ensure the safety of all personnel involved with the movement of the bridge spans.

DATES: This rule is effective from 10 p.m. on April 24, 1996 to 10 p.m. May 30, 1996, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Katherine Weathers, Chief, Port Safety and Security Branch, Coast Guard Marine Safety Office Norfolk, VA, (804) 441-3290.

SUPPLEMENTARY INFORMATION:

Background and Purpose

A notice of proposed rulemaking (NPRM) for this temporary rule was published on Thursday, March 14, 1996 (61 FR 10493). The comment period for the NPRM ended April 3, 1996. No comments were received.

Changes from Proposed Rule

The Coast Guard adopts the proposed rule as a temporary rule except that it is changing the effective date of the temporary rule. This temporary rule will become effective on April 24, 1996 instead of April 26, 1996 as proposed in the NPRM. The first replacement bridge span was moved from Norfolk to the area of the Coleman Bridge on March 27, 1996. To ensure safety of that movement, the Coast Guard Captain of

the Port Hampton Roads issued a temporary rule [CGD 05-96-015] establishing moving safety zones effective from March 26, 1996 through April 24, 1996. This temporary rule will become effective upon expiration of that existing temporary rule.

Discussion of Temporary Rule

The Coast Guard is establishing a 500-yard moving safety zone around the tugs and tows transporting the bridge spans being used in the Coleman Bridge Replacement Project. Tows consisting of two or three barges abreast connected by pipe bracing and tension rods will be pushed by two tugs attached at the hip. The bridge spans will sit perpendicular to the barges atop steel towers simulating the height of the bridge piers. The barges are specially configured for the carriage of these spans and will be severely restricted in their ability to maneuver and susceptible to wake damage. Therefore, these moving safety zones will be in effect while the vessels transit each way between NIT and the Coleman Bridge in both loaded and unloaded conditions.

The stationary zones will be in effect at both the Coleman Bridge and at NIT where the new spans are currently located. The safety zone at the Coleman Bridge will extend west upstream 500 yards and east downstream 500 yards from the bridge, stretching from shore to shore. This safety zone will be in effect during the entire dismantling and replacement evolution. The safety zone at NIT will include all waters within a line connecting red buoy 12 to red buoy 14, from buoy 12 due east across the Norfolk Harbor Reach of the Elizabeth River to land, and from buoy 14 due east across the reach to land. This safety zone will only be enforced during the loading and unloading of the spans.

Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because of the limited duration and location of the zones established under this rule, the Coast Guard expects the impact of this temporary rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this temporary rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that under paragraph 2.B.2.e(34) of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this temporary rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160-5; 49 CFR 1.46.

2. Temporary Section 165.T05-008 is added to read as follows:

§ 165.T05-008 Safety Zone: James River, Elizabeth River, Chesapeake Bay, Port of Hampton Roads, VA.

(a) *Location.* The following areas are safety zones:

(1) All waters within 500 yards of any tug and tow involved in moving the Coleman Bridge spans while in both loaded and unloaded condition while transiting in either direction between Norfolk International Terminals (NIT) located on the Elizabeth River at the Norfolk Harbor Reach and the Coleman Bridge, which crosses the York River connecting Yorktown, Virginia with Gloucester Point, Virginia.

(2) All waters within 500 yards upstream and 500 yards downstream of the Coleman Bridge in the York River.

(3) All waters within a line connecting red buoy 12 to red buoy 14, and a line drawn due east from buoy 12 due east across the Norfolk Harbor Reach of the Elizabeth River to land, and from buoy 14 due east across the reach to land. This zone will be enforced during the loading and unloading of the bridge spans at NIT.

(b) *Definitions.* *Captain of the Port* means the Captain of the Port of Hampton Roads, VA. or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Hampton Roads to act on his behalf.

(c) (1) In accordance with the general provisions in §§ 165.23 and 165.501, entry into the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port. The general requirements of §§ 165.23 and 165.501 also apply to this section.

(2) Persons or vessels requiring entry into or passage through the safety zones must first request authorization from the Captain of the Port. The Coast Guard vessels enforcing the safety zones can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port may be contacted at telephone number (804) 441-3314 or at the Marine Safety Office, Hampton Roads, VA.

(d) The Captain of the Port will notify the public of vessel movements and changes in the status of these zones by Marine Safety Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: April 12, 1996.

Dennis A. Sande,

Captain, U.S. Coast Guard, Captain of the Port.

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